

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND, PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST,  
TEAMSTERS HEALTH & WELFARE FUND  
OF PHILADELPHIA AND VICINITY, and  
PHILADELPHIA FEDERATION OF  
TEACHERS HEALTH AND WELFARE FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri  
Corporation; and McKESSON CORPORATION,  
a Delaware Corporation,

Defendants

---

Case No. 1:05-CV-11148-PBS

**MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiffs, by their attorneys, respectfully move this Court for leave to file under seal the following materials: (1) Attachment B to Class Plaintiffs' Memorandum of Law in Support of Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan, and (2) the Declaration of Thomas M. Sobol in Connection with the Motion for Preliminary Approval of Settlement as to Defendant, First DataBank, Inc. Only.

The foregoing items include or reference copies of documents and/or excerpts from documents that certain defendants have identified as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" pursuant to the terms of the April 11, 2005 Protective Order. Also, the foregoing items reference information contained in documents designated by certain defendants

as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” In addition, the foregoing items not only quote extensively from and/or attach documents that certain defendants have designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL,” but also they include references to pricing data that defendants likely believe to be highly proprietary in nature.

Paragraph 14 of the Protective Order mandates that any document or pleading containing material such as that referenced above be filed under seal. Plaintiffs hereby seek to comply with the terms of the Protective Order.

WHEREFORE, Plaintiffs respectfully request that this Court grant them leave to file the foregoing listed materials under seal.

DATED: October 4, 2006

By /s/ Thomas M. Sobol  
Thomas M. Sobol (BBO#471770)  
Edward Notargiacomo (BBO# 567636)  
Hagens Berman Sobol Shapiro LLP  
One Main Street, 4th Floor  
Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 482-3003

Steve W. Berman  
Sean R. Matt  
Barbara A. Mahoney  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594

Elizabeth Fegan  
Hagens Berman Sobol Shapiro LLP  
60 W. Randolph Street, Suite 200  
Chicago, IL 60601  
Telephone: (312) 762-9235  
Facsimile: (312) 762-9286

Jeffrey Kodroff  
John Macoretta  
Spector, Roseman & Kodroff, P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Telephone: (215) 496-0300  
Facsimile: (215) 496-6611

Marc H. Edelson  
Allan Hoffman  
Hoffman & Edelson  
45 West Court Street  
Doylestown, PA 18901  
Telephone: (215) 230-8043  
Facsimile: (215) 230-8735

Kenneth A. Wexler  
Jennifer Fountain Connolly  
Wexler Toriseva Wallace LLP  
One North LaSalle Street, Suite 2000  
Chicago, IL 60602  
Telephone: (312) 346-2222  
Facsimile: (312) 346-0022

George E. Barrett  
Edmund L. Carey, Jr.  
Barret, Johnston & Parsley  
217 Second Avenue, North  
Nashville, TN 37201  
Telephone: (615) 244-2202  
Facsimile: (615) 252-3798

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on October 4, 2006.

**/s/ Thomas M. Sobol**

Thomas M. Sobol

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

NEW ENGLAND CARPENTERS HEALTH )  
BENEFITS FUND, PIRELLI ARMSTRONG )  
RETIREE MEDICAL BENEFITS TRUST, )  
TEAMSTERS HEALTH & WELFARE FUND )  
OF PHILADELPHIA AND VICINITY, and )  
PHILADELPHIA FEDERATION OF )  
TEACHERS HEALTH AND WELFARE FUND, )

Plaintiffs, )

v. )

FIRST DATABANK, INC., a Missouri )  
Corporation; and McKESSON CORPORATION, )  
a Delaware Corporation, )

Defendants )

---

Case No. 1:05-CV-11148-PBS

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE**  
**UNDER SEAL**

THIS MATTER is before the Court on plaintiffs' motion for leave to file under seal. The Court, having considered all pleadings in support of, and being fully advised in the premises, hereby

GRANTS plaintiffs' motion for leave to file under seal the following items:

1. Attachment B to Class Plaintiffs' Memorandum of Law in Support of Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan, and
2. Declaration of Thomas M. Sobol in Connection with the Motion for Preliminary Approval of Settlement as to Defendant, First DataBank, Inc.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Patti B. Saris  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on October 4, 2006.

**/s/ Thomas M. Sobol**

Thomas M. Sobol